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STATINTL

21 April 1959

As we indicated in our 18 March letter, we have made a careful study of your letter of 11 March in which you make claim for additional salary payments. Since the problem is essentially legal in nature, we referred it to the Agency's lawyers, and after their research they reported to us as follows:

There is a considerable body of law on the problem you raise. Apparently, this establishes the principle that an employee of the Federal Government is entitled only to the salary of the position to which he is appointed regardless of the duties actually performed. The appointment is conclusively established by the personnel action not by the slot or Table of Organization position in which the employee may be placed.

The personnel records show that your appointment to a grade GS-16 position continued in effect until your resignation on 4 March 1959. We are bound by the record, therefore, and can consider only the pay authorized for a grade GS-16.

As you know, in administrative matters of this sort common to Government generally, we are in no different position from other Government agencies and have no authority to make exceptions to the general rule. Consequently, we are unable to consider making any additional payments in your case. Should you feel that you cannot take our position as final and want to go to the General Accounting Office to pursue your claim, we would be glad to make our records available to GAO for its consideration. I regret to say, however, that the Agency's position is that your claim must be denied.

Very truly yours,

/s/

Gordon M. Stewart  
Director of Personnel

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